

Exhibit D : List of Harassment Cases (March 24, 2014 updated)

* Reporters abbreviations

H. J. : Hanrei Jiho (判例時報 : Law Cases Reports), H. T. : Hanrei Taimuzu (判例タイムズ : Law Times Reports), R. H. : Roudou Hanrei (労働判例 : Labour Case Reports)

* Other abbreviations

[D] : defendant, [P] : plaintiff, [SH] : sexual harassment, [WSH] : workplace sexual harassment, [CSH] : campus(school) sexual harassment, [PH] : power-harassment, [AH] : academic harassment

* Conclusions marked with a [Yes] indicate that the court confirmed that the harassment existed.

Conclusions marked with a [No] indicate that the court didn't confirm the harassment.

1 Euro ≒ JP¥140

[category] Judgment & date	Reporters	Fact summary	Conclusion and amount of damages	Matches (litigant parties)
1. [WSH] Tokyo District Court, Judgment, Dec. 27, 2010 東京地判 H 22. 12. 27	H. J. (2116) 130, H. T. (1360) 137 判例時報 2116 号 130 頁, 判例タイムズ 1360 号 137 頁	General Manager X was punitively discharged by his employer, Y Corp. for alleged SH conduct directed against female employees dispatched from Y's subcontractor. X's alleged SH included going to their hotel room to kiss them, and to touch their sexual regions such as thighs and nipples. X brought an original claim as a [P] for declaration of void dismissal, and the [D], Y Corp. brought a counterclaim against X for vexatious action (tort).	X's original claim was dismissed. Y's counterclaim was granted partly. [Yes] Damages as Y's litigation cost : about JP¥2.74 M (19,600 Euro)	→ Harasser v. Employer
2. [AH] Kanazawa District Court, Judgment, January 25, 2011 金沢地判 H 23. 1. 25	R. H. (1026) 116 労働判例 1026 号 116 頁	Regarding her supervision of students' graduation research or volunteer activities, an associate professor [P] was punitively placed on 6 months suspension by her employer, [D] University for infringement of its anti-harassment guideline. The following AH was alleged : [P] burdened research students and volunteer leaders to the point they alleged mental disorder, and, although medical certificates of mild depression were displayed, she rebuked or mocked them. She was blamed for resisting the on-campus procedure. Prof. [P] brought a lawsuit to void the disciplinary action, and to collect unpaid salary and damages (for mental suffering, etc.) under tort.	The court confirmed the harassment [Yes], but held that the disciplinary action was too severe to be valid and that the university abused its discretion. [P] was granted unpaid salary and cost for moving personal belongings (JP¥100 K ≒ 720 Euros).	→ Harasser v. Employer
3. [PH] Tokyo District Court, Labour Tribunal Decision, March 16, 2011 東京地裁労働審判 H 23. 3. 16	R. H. (1028) 97 労働判例 1028 号 97 頁	Petitioner X was an employee of Y Corp., a taxi company, responsible for operation control. X alleged the following SH by her superior, A : (1) A kissed X and slipped his hand up her skirt in a car while returning from a restaurant, and (2) A forced X to have a sexual relationship with him a total of 6 times. Around the same time, Y transferred X from the post of operation control to a driver, and X felt that the job transfer was the sign of Y's encouragement of her retirement. X had previously suffered from mental disorder. She suddenly acted violently during a discussion with her personnel manager and was taken to the hospital in an ambulance. As a result, Y took disciplinary action, issuing an order for a 14-day suspension from work. X made a petition for a labour tribunal decision, claiming damages for mental suffering from SH and forced retirement.	The Labour Tribunal Committee determined that X and A had a special relation exceeding the relation of a superior and a subordinate, but did not confirm that a sexual relationship was forced. It was also determined that the job transfer was a substantial disadvantage to X. The conciliation was successful, where X's retirement was confirmed and Y promised to pay settlement money (JP¥0.95 M ≒ 6,800 Euros).	Victim v. Employer

4. [PH] Tokyo District Court, Judgment, Jul. 26, 2011 東京地判 H 23. 7. 26	R. H. (1037) 59 労働判例 1037 号 59 頁	Assisting Section Manager X [P] was punitively discharged by his employer, Y Corp. [D], for multiple conducts including PH against an employee reporting to X, unexcused absence from work, drilling the floor of the company's room without permission, and unexcused stay in a meeting room. X brought a lawsuit against Y Corp. to void the dismissal and for unpaid overtime pay. The employee who was the target of X's PH was diagnosed with depression.	The court confirmed the validity of the punitive discharge [Yes]; however, X's claim for the recovery of unpaid overtime pay was partly granted.	→ Harasser v. Employer
5. [PH] Tokyo High Court, Judgment, Aug. 31, 2011 東京高判 H 23. 8. 31	H. J. (2127) 124, R. H. (1035) 42 判例時報 2127 号 124 頁, 労働判例 1035 号 42 頁	Section Chief X [P] was, allegedly, unreasonably transferred to a new job post three times by the employer, Y Corp., and exposed to PH at each new post, after reporting the wrongful conduct (headhunting from Y's business customer) by X's superior, Y 2, to Y's internal compliance office. X brought a lawsuit against Y Corp. and the superior, Y 2, to void the job-transfer order and damages for mental suffering.	X's claim was granted. The court confirmed that all job-transfer orders were invalid (abuse of authority over personnel issues), these orders were illegal under the tort law, and the PH directed at X at each new post was also illegal. [Yes]	Victim v. Superior and Employer
6. [CSH] Osaka District Court, Judgment, Sep. 15, 2011 大阪地判 H 23. 9. 15	R. H. (1039) 73 労働判例 1039 号 73 頁	X [P] was an associate professor of Y University. A magazine article reported that X brought a female student into X's office after a welcome party for new students and raped her. After X's faculty adopted a resolution taking disciplinary actions against X, Y University suspended X from work for 6 months. X alleged that 6 months of suspension was overly severe and thus an illegal action, and made claim for a declaration voiding the disciplinary action, for payment of wages for the suspended period, and for payment of damages (mental suffering) in tort.	The court ruled that the order of suspension for 6 months was overly severe and unreasonable (3 months, at the most, would be reasonable), while the conduct of X violated Y's work rules. The court granted X's claim for unpaid wages, stating that such order was abuse of disciplinary right and therefore illegal and invalid. Meanwhile, the court denied Y's liability in tort (payment of damages).	→ Harasser v. Employer
7. [PH] Sapporo District Court, Judgment, Dec. 14, 2011 札幌地判 H 23. 12. 14	R. H. (1048) 85 (Digest) 労働判例 1046 号 85 頁 [ダイジェスト]	[P], a contract worker of a public interest corporation [D], was reprimanded by [D] (the "Reprimand") for an alleged false entry in a personal resume and violation of the non-dual employment rule. [P] insisted that the Reprimand was groundless and a tort, and brought a claim for the declaration voiding the Reprimand, damages in tort, and a delinquent charge (Case 1). In addition, [P] alleged that the non-renewal of his employment contract (the "Non-renewal") was invalid and claimed for the confirmation of [P]'s status in the employment contract, the payment of money in an amount of salaries paid to [P] during the term of his employment, and the payment of a delinquent charge at the statutory interest rate for commercial transactions (6% per annum) (Case 2).	The determination of the court in Case 1 was that the Measure's nature of harassment by [D] against [P] could not be ignored, and JPY¥0.1 M (≒ 720 Euros) was a reasonable amount of the damages for the mental suffering of [P] caused by [D]'s tort. [Yes] The court determined in Case 2 that the Non-renewal was invalid.	Victim v. Employer (Harasser)
8. [PH] Tokyo District Court, Judgment, Jan. 23, 2012 東京地判 H 24. 1. 23	R. H. (1047) 74 労働判例 1047 号 74 頁	X [P] received an order for leave of absence for 3 months by his employer, Y Corp. (a securities corp.). Subsequently, X received an order for the extension of the original order for additional 3 months, and then was dismissed. X brought an action against Y Corp. and claimed for the following: (1) Declaration of the invalidity of the order for leave of absence and the extension order; (2) Confirmation of status under the labour contract; (3) Wages accrued after the order for leave of absence and a delinquent charge; (4) JPY¥2 M (≒ 14,300 Euros) as damages for mental suffering caused by the words and deeds and the enforcement of resignation by his superior; and (5) JPY¥20 M (≒ 143,000 Euros) as damages under breach of contract or tort for the non-payment of a bonus. X regarded a series of actions of Y Corp. taken in the guidance of business improvement as PH conduct. Meanwhile, Y Corp. insisted that X's opinion was unilateral and groundless, and gave the order for leave of absence and the extension order. Thus, whether the actions of Y Corp. were PH or not was one point of issue in the case.	(1) Determined invalid; (2) Status was confirmed; (3) Payment of the wages accrued after the order for leave of absence and a delinquent charge was ordered; and (4) A part of the superior's words and deeds and the enforcement of resignation were determined illegal, and JPY¥1 M (≒ 7,200 Euros) of damages and a delinquent charge were granted. Y Corp. discharged X from the duty of sales activities when improvement in X's business performance was still expected, and even encouraged retirement to X. Concerning these acts, the court ruled, stating, "it cannot be determined that (……) X's opinion that such acts were PH was groundless". [Yes]	Victim v. Employer (Harasser)

9. [PH/WSH] Tokyo District Court, Judgment, Jan. 27, 2012 東京地判 H 24. 1. 27	R. H. (1047) 5 労働判例 1047 号 5 頁	X [P] was employed as a professor of a university operated by Y Corp. [D]. X had a work background that, after transferring from the Ministry of Health, Labour and Welfare to an incorporated foundation, a lawsuit relevant to X's problematic acts, which were regarded as PH/SH, was reported by the media. Y Corp. became concerned about this fact and told X to leave the university, but X did not acquiesce. Y then dismissed X for lack of qualification required for the performance of duties (non-disclosure of PH/SH conduct during the former employment). X alleged that the dismissal was invalid and claimed for the confirmation of the status under the labor contract, the payment of wages, and damages in tort.	An applicant for employment is not obliged to disclose that the applicant was ever accused of PH/SH conduct. The court ruled that the dismissal was invalid because X's non-disclosure did not breach the obligation under the good faith principle, and granted the status under the labour contract and the claim for the payment of wages. The claim for damages under tort was dismissed.	➡Employee having a record as a Harasser v. New Employer
10. [CSH/WSH] Osaka High Court, Judgment, Feb. 28, 2012 大阪高判 H 24. 2. 28	R. H. (1048) 63 * The original decision : Osaka District Court, Judgment, Sep. 16, 2011, R. H. (1037) 20 労働判例 1048 号 63 頁 (*原審:大阪地判 H 23. 9. 16, 労働判例 1037 号 20 頁)	X [P/Appellee] was a male professor of Y University [D/Appellant]. During a period from June 2007 to January 2008, X, allegedly, persistently invited for a drink a female associate professor A, who was recently employed by Y University (engaged in the same research as X, although the major was different). On January 16, 2008, on the occasion of having dinner together, X touched A's thighs and upper arms and pulled her into his arms. Such SH exhausted A both physically and mentally, and resulted in the need of undergoing weekly counseling. Y University alleged that X deteriorated A's educational research environment and took the disciplinary measure of cutting X's pay. X alleged that such measure was invalid, and claimed for the confirmation of the status under labour contract free from disciplinary measure and the payment of the reduced amount of his salary (JP¥14,425 ≈ 100 Euros).	The original decision (which denied the existence of SH and determined the disciplinary measure invalid) was revoked. Both claims of Appellee were dismissed. [Yes]	➡Harasser v. Employer
11. [PH] Tokyo District Court, Judgment, Mar. 9, 2012 東京地判 H 24. 3. 9	R. H. (1050) 68 *See the appeal court decision. 労働判例 1050 号 68 頁 *控訴審判決あり	[P] was treated by his employer [D-Company] in such manner that [P] left the company upon the expiration of the period of his leave of absence. [P] alleged he was subjected to forced drinking and threatening directed at him by his former superior [D-Employee], and insisted that such PH caused his mental disorder, medical expenses, loss from absence from work, and mental suffering. [P] claimed for damages against [D-Company] under Articles 709 (torts), 715 (vicarious liability of employers), and 719 (liability of joint tortfeasors) of the Civil Code or the breach of the duty to provide good work environment under the labor contract, and damages against [D-Employee] for the breach of Articles 709 and 719 of the Civil Code. Moreover, [P] claimed against [D-Company] for the confirmation of contractual status and wages accrued after the retirement, insisting that the order for leave of absence was invalid or against the good faith principle because his mental disorder was work-related illness.	The phone message left by X's superior which included abusive language was determined a tort. [Yes] JP¥0.7 M (≈ 5,000 Euros) of damages was granted exclusively for mental suffering. Meanwhile, the company's treatment of [P] as a retired employee was determined reasonable, partly because [P] did not take the simple procedure of submitting a written request of reinstatement. The court did not grant the confirmation of contractual status.	Victim v. Superior and Employer
12. [WSH] Tokyo District Court, Judgment, Mar. 27, 2012 東京地判 H 24. 3. 27	R. H. (1053) 64 労働判例 1053 号 64 頁	Section Manager X (demoted to rank-and-file employee after SH) was punitively discharged by his employer, Y Corp. (accounting outsourcing service provider), for reasons of the alleged false report of overtime work to the Labour Standards Inspection Office, certain words and deeds directed to a client, and SH directed to a female subordinate. X's alleged SH included (1) walking arm in arm or hand in hand, and (2) giving a picture book, "The Little Prince", as a present. Such behavior allegedly provoked repulsion of female employees.	Victimizer [P]'s status under labour contract was confirmed (void dismissal), and the claim for wages was partly granted. The existence of SH was confirmed [Yes], however, the court determined that the disciplinary dismissal involved abuse of disciplinary right.	➡Harasser v. Employer

13. [PH] Osaka District Court, Judgment, Apr. 13, 2012 大阪地判 H 24. 4. 13	R. H. (1053) 24 労働判例 1053 号 24 頁	X [P] was a staff member of Y (a medical corp.) [D]. X withdrew from Labour Union B1 (the head director, director, and two-thirds of the staff were members of B 1) and joined another joint union competing with B 1. The directors of Y accused X and persuaded X to withdraw from the joint union, which caused X's adjustment disorder and the eventual depression. X was absent from work for 3 months and then took leave of absence, and upon expiration of the period of leave of absence, X's desire to be reinstated was not accepted, and X was treated as retired. X claimed against Y for the confirmation of the status under the labor contract and the payment of damages in tort or for breach of the duty to secure safety for workers, on the ground of X's depression caused by PH. Whether X's illness was work-related or not was one point of issue.	X's claim was granted. X's status as a staff member of Y Corp. was confirmed. The court ordered the payment of approx. JP ¥6.4 M (≈45,700 Euros) of damages (JP¥1.5 M ≈ 10,700 Euros was for mental suffering). [Yes]	Victim v. Employer
14. [PH] Okayama District Court, Judgment, Apr. 19, 2012 岡山地判 H 24. 4. 19	R. H. (1051) 28 労働判例 1051 号 28 頁	X [P] was allegedly harassed (PH) by 3 superiors at X's former employer, Y Corp., and brought an action against the 3 superiors at that time and also Y Corp. (for employer's vicarious liability), claiming for damages in tort. In addition, [P] claimed for damages for breach of the duty to secure safety for workers (duty of health supervision) against Y Corp., for the alleged fact that X was transferred to 4 different work posts in a short term (2.5 years).	PH by one of the superiors was granted. The employer's vicarious liability of Y Corp. was also granted. Compensation of damages for mental sufferings (JP¥1 M ≈ 7,200 Euros) plus attorney's fee (JP¥0.1 ≈ 720 Euros) was granted. Claim of breach of the duty to secure safety was dismissed.	Victim v. Superior and Employer
15. [PH] Supreme Court, Judgment, Apr. 27, 2012 最判 H 24. 4. 27	H. J. (2159) 142, H. T. (1376) 127, R. H. (1055) 5 判例時報 2159 号 142 頁, 判例タイムズ 1376 号 127 頁, 労働判例 1055 号 5 頁	A worker [X, the respondent] was disciplinarily given instruction to resign by his employer [Y Corp., the petitioner], after being absent from work for about 40 days due to paranoia or the like. Worker X sent an email to his superior at Y Corp., saying that he was harassed by an external "group of victimizers" through his colleague at Y Corp. Such act of X was first time in X's 7 years of employment. X took a paid leave, and subsequently, did not attend work. The personnel manager informed X that investigation could not confirm the alleged harassment; however, X was not content. Meanwhile, Y Corp. did not answer X' question of how to take the leave of absence. When the period of absence had almost reached 40 days, the general manager emailed X an order to attend work. X raised an objection, but began to attend work. Y Corp. took a disciplinary measure of resignation by instruction against X, as a result of regarding X's absence as an unexcused absence without justifiable reasons.	The confirmation of the status under the employment contract and the payment of wages were granted (appeal was dismissed). The Court ruled that the immediate resignation by instruction was invalid, considering that Y's absence from work was caused by some mental malfunction. [-]	Victim v. Employer
16. [PH] Saitama District Court, Labor Tribunal Decision, May of 2012 さいたま地裁労働審判 H 24. 5. ○	R. H. (1048) 170 労働判例 1048 号 170 頁	X, a female employee of a major supermarket chain, Y Corp., obeyed the directions of a male chief A, her superior, to work (without payment) from 7:00 a.m. (when the store is unlocked) until the start of her normal working hours on her shift and also after the end of her normal working hours. A's inconsiderate statements, which ignored X's overtime work without overtime pay, led to the petition of a labour tribunal decision by X. X claimed for the overtime pay of approx. JP¥1.46 M (≈10,400 Euros) and damages of approx. JP¥1 M (≈7,200 Euros) on the ground of employer's vicarious liability relevant to the PH statements by A. (As a result of intervention of X's fiancé, the Superior A prepared a document prior to the petition, which basically admitted X's overtime work without overtime pay and A's PH statements.)	In the labour conciliation, the payment of settlement money JP¥2 M (≈14,300 Euros) (approx. 80% of the claimed monetary amount) was agreed. The damages for PH is estimated JP¥0.8 M (≈5,700 Euros). [Yes]	Victim v. Employer

17. [PH] Osaka District Court, Judgment, May 25, 2012 大阪地判 H 24. 5. 25	R. H. (1057) 78 労働判例 1057 号 78 頁	X [P] was an employee of Y 1 Corp. [D] and was internally transferred to Y 3 Corp. [D]. X brought an action against Y 1 and Y 3, claiming for a declaration voiding the disciplinary action and the payment of the reduced amount of wages. X also claimed for damages in tort against the employees of Y 1 and Y 3 (Y 2 and Y 4, respectively) for their alleged violent acts directed at X and damages against Y 1 and Y 3 under employer vicarious liability. The points of issue in this case included: (1) Whether the acts of Y 2 and Y 4 were torts; (2) employer vicarious liability of Y 1 and Y 3 over torts by Y 2 and Y 4; (3) The validity of the reprimand by Y 1 and the pay cut by Y 3; and (4) X's allegation that PH was seen in a series of disciplinary actions and performance evaluation.	X's claim was partly granted (the reprimand was determined valid, and the claim for wages on the premise of void reprimand was dismissed). X's claim for damages for separate trouble was partly granted (JP¥50 K ≈ 360 Euros for mental suffering and JP¥5 K ≈ 36 Euros as attorney's fee). [No]	➡Harasser v. Employer
18. [AH · CSH] Tokyo District Court, Judgment, May 31, 2012 東京地判 H 24. 5. 31	R. H. (1051) 5 労働判例 1051 号 5 頁	[P] was an associate professor of V University [D]. Due to 7 acts of [P] directed to his students, the university took the following measures: (1) Discharged [P] from the assignment of giving lectures of compulsory subjects; (2) Allocated no former-student researcher or graduate student; and (3) Prevented [P] from attending departmental meetings and screening meetings (the "3 Measures"). In addition, (4) [P]'s faculty adopted a resolution of the 3 Measures, and the university gave oral notice of this resolution to [P] without giving [P] a chance to explain. [P] alleged the illegality and invalidity of these measures, on the ground that these were abuse of the university's disciplinary right or discretionary power and thus the violation of [P]'s rights to be assigned to give lectures, to have his own office and be allocated with the former or current students, and to attend departmental and other meetings. [P] claimed against V University [D] for the confirmation of the status eligible to give lectures of compulsory subjects and the exclusion of disturbing elements, and [P] also claimed V University and the department managing professor for the joint payment of the reduced amount of the graduate allowance accrued for 2 years; JP¥3 M (≈ 27,300 Euros) of damages for mental sufferings; and a delinquent charge.	The court judged that 2 acts of X, "treated a student M as a 'thief' in an email" and "posting the language, 'M -expelled' on a website", "remarkably lacked consideration as an educator", and determined that the 3 Measures were effective. [Yes] The reprimand measure taken for X's insubordination to the work order for the relocation of his office was determined abuse of disciplinary right and thus invalid, stating that the disciplinary provisions were inappropriately applied.	➡Harasser v. Employer
19. [AH] Kochi District Court, Judgment, Jun. 5, 2012 高知地判 H 24. 6. 5	H. T. (1384) 246 判例タイムズ 1384 号 246 頁	E was a first-grade student of a private junior high school operated by Y Corp. [D], and E participated in the school's golf club activities. E committed suicide, and E's parents, A and B [Ps(PA/PB)] brought an action, claiming for damages on the grounds that (1) Y Corp. failed to fulfill its duty to investigate bullying (breach of school contract), and (2) Y Corp. posted a blog article praising the excellent performance of a student whose involvement in E's suicide was suspected, and also C (E's class teacher [D]) and D (an advising teacher of the golf club [D]), made inappropriate statements to [PA/PB] (tort).	The court granted Y's breach of "duty to make investigation and report" implied under the school contract, and ordered the compensation of JP¥0.8 M (≈ 5,700 Euros) to each [PA] and [PB] (total JPY 1.6 M ≈ 11,400 Euros). C's statements, which were made based on what C heard from another teacher about a statement of a psychic, were determined careless and lacked common sense, and the court ordered the payment of damages of JP¥0.15 M (≈ 1,100 Euros) to each [PA] and [PB] (total JP¥0.3 M ≈ 2,200 Euros).	Victim's parents v. School
20. [WSH] Tokyo District Court, Judgment, Jun. 12, 2012 東京地判 H 24. 6. 12	H. I. (2165) 99 判例時報 2165 号 99 頁	[P], holding public office, claimed against two mass-media companies [D] for the damages of JP¥10 M (≈ 71,400 Euros) for each of [D] (total JP¥20 M ≈ 143,000 Euros), alleging that [D]'s articles reporting SH by [P] were defamation. [P] made a statement which could be taken as SH to press corps including a female reporter on a public occasion, and [D] asserted in their articles that this statement was SH. The main points of issue included the following: (1) Which facts need to be proven true for the articles to be determined not to be defamation; and (2) Whether the SH reporting would be determined legitimate and the articles would be determined not to be defamation, even if the female reporter in person did not feel that [P]'s statement was SH directed at her.	The court, although it stated that the articles would deteriorate the social reputation of [P], determined that the articles were not defamation, and dismissed [P]'s claim. The grounds for such decision were (1) the fact and purpose of reporting the statement were for public interest, and (2) the fact was proven to be true in the important part (an objective fact that there was a statement which could be taken as SH).	Harasser v. Mass media

21. [PH] Tottori District Court, Judgment, Jul. 6, 2012 鳥取地判 H 24. 7. 6	R. H. (1058) 39	<p>This case was an administrative case relating to compensation benefits for absence from work provided under the Workmen's Accident Compensation Insurance Act, and involved PH by the top-ranked managers.</p> <p>A female sales manager [P] (victim) of a life insurance company was allegedly bullied and harassed by two high-ranked managers in the branch office (both were victimizers and non-parties to this case) due to unreasonable resentment. [P] felt excessive mental stress and was diagnosed with stress-related depression (mental disorder), and [P] had to be absent from work for a while. [P] claimed for compensation benefits for such absence from work to the Chief of the Labor Standards Inspection Office; however, [P] was informed that the benefit would not be paid.</p> <p>[P] brought an action against the national government for the revocation of the determination of non-payment.</p>	<p>The court ruled that [P]'s mental disorder was caused by work, and ordered the revocation of the determination of non-payment for all 3 periods. [Yes]</p> <p>*Related Decision : Tottori District Court Yonago-branch, Judgment, Jul. 6, 2012, R. H. (996)28. *関連判決：鳥取地米子支判 H 21. 10. 21. 労働判例 996 号 28 頁。</p>	Victim v. Government (labour authority)
22. [PH] Saitama District Court, Labor Tribunal Decision, Jul. 23, 2012 さいたま地裁労 働審判 H 24. 7. 23	R. H. (1059) 97 労働判例 1059 号 97 頁	<p>X 1 and X 2 [Petitioners] were administrative staff of a medical clinic, and Y [Respondent] was the director of the clinic. Administrative staff of this clinic were exposed to PH by Y on a daily basis; for example, Y was abusive to the staff who could not correctly answer his quiz about Japanese idioms, and reprimanded the staff when Y's pet (killifish) or garden trees were in bad shape.</p> <p>X 1 and X 2 were forced to resign, and their request to use accrued paid leaves before retirement and the alternative payment of wages instead of using paid leaves were both refused. X 1/X 2 petitioned for a labor tribunal decision, claiming for unpaid overtime pay, damages (mental suffering) for Y's PH, damages for the unwished retirement, and damages (mental suffering) for Y's unfaithful attitude in negotiations with X 1/X 2.</p>	<p>The Tribunal Committee granted the claims of X 1/X 2 and ordered the following payment. JP¥0.56 M (≒ 4,000 Euros) of overtime pay to X 1, JP¥0.11 M (≒ 790 Euros) of overtime pay to X 2. (The fact of PH and the breach of the duty to secure safety for workers were granted.) JP¥0.8 M (≒ 5,700 Euros) of damages for PH and JP ¥1.42 M (≒ 10,200 Euros) of damages for retirement to X 1. JP¥1.26 M (≒ 9,000 Euros) of damages for retirement to X 2. JP¥0.2 M (≒ 1,400 Euros) of damages for unfaithful attitude in negotiations to X 1 and X 2, respectively.</p>	Victim v. Harasser
23. [WSH] Tokyo High Court, Judgment, Aug. 29, 2012 東京高判 H 24. 8. 29	R. H. (1060) 22 労働判例 1060 号 22 頁	<p>X [P in first instance/Appellant], a female employee of Y 1 Corp. [D in first instance/Appellee], which was engaged in the pawnbroking business, claimed that she was forced to engage in sexual acts and relation by Y 2 [D in first instance/Appellee], the President of Y 1 and Y 3 [D in first instance/Appellee], the store manager of Y 1, individually. Allegedly, X was also exposed to the thoughtless words and angry shout of Chairman A of Y 1. On the ground of alleged physical and psychological distress, X brought an action for damages against Y 2, Y 3, and the employer Y 1.</p> <p>In the original decision, the sexual relation was determined consensual, and the claim was dismissed. *The original decision : Tokyo District Court, Judgment, Jan. 31, 2012, R. H. (1060)30 [原審：東京地判 H 24. 1. 31, 労働判例 1060 号 30 頁]</p>	<p>The High Court partly denied the fact-finding in the original decision concerning the conduct of President Y 2. SH was confirmed. [Yes] Damages were JP¥3.3 M (≒ 23,600 Euros) (incl. JP¥0.3 M ≒ 2,200 Euros of attorney's fee).</p>	Victim v. Harasser and Employer
24. [CSH] Sapporo District Court, Judgment, Sep. 26, 2012 札幌地判 H 24. 9. 26	H. J. (2170) 88 判例時報 2170 号 88 頁	<p>X 1 was a child placed in a juvenile training institution operated by Y 1 Social Welfare Corp. X 1 was sexually abused by another child placed in the same institution.</p> <p>X 1 and parents (X 2/X 3) claimed for damages to Y 1 under default (failure to separate X 1 and the victimizer), and also to the local government, Y 2, under the State Redress Act.</p>	<p>The court ruled that there was no fault in the failure to separate X 1 and the victimizer. Liability of neither Y 1 nor Y 2 was granted, and the claim was dismissed. [-]</p>	Victim and Parents v. School and Local government

25. [PH] Kobe District Court Himeji- branch, Judgment, Oct. 29, 2012 神戸地姫路支判 H 24. 10. 29	R. H. (1066) 28 労働判例 1066 号 28 頁	X was a staff member of Y 1 Prefectural Federation of Societies of Commerce and Industry. X alleged that X was persistently insulted and encouraged to retire by the use of words of defamation by Y 1 and its executive director Y 2, over a long term of time. In addition, X was allegedly given orders of unnecessary transfer to an affiliated company and incurred economic disadvantage such as illegal reduction of salaries. X brought an action, claiming for the payment of economic damages, mental damages, and attorney's fee under Article 709 (damages in torts) of the Civil Code against Y 2 and under Article 709 or 715 (vicarious liability of employers) of the Civil Code against Y 1.	Illegality of the retirement encouragement, the orders of transfer to an affiliated company, and Y 2's words and deeds were confirmed. X's economic disadvantage was partly granted. Compensation of economic damages (JP¥71.4 K \approx 500 Euros), mental damages (JP¥1 M \approx 7,200 Euros), and attorney's fee (JP¥0.1 M \approx 720 Euros) was ordered to Y 1 and Y 2. [Yes]	Victim v. Harasser and Employer
26. [PH] Tokyo District Court, Judgment, Nov. 30, 2012 東京地判 H 24. 11. 30	R. H. (1064) 86 (Digest) 労働判例 1064 号 86 頁 [ダイジェスト]	X [P], a convenience store clerk, brought an action against Y Corp., her employer engaging in the convenience store business. X alleged Y Corp.'s unfair treatment of her for reasons that she had asked for advice to the Prefectural Labor Bureaus on her individual labor dispute concerning continued employment, and also the store manager's abusive harassment words directed at her, such as "Hey you, bitch, what are you doing", "Don't show up, quit the damn job", and "Never show up, never, got it?", after X's work attitude caused some trouble. X claimed for the confirmation of the status under the employment contract and the payment of unpaid wages and damages for mental sufferings.	Payment of unpaid wages accrued by erroneous computation and damages for PH by the store manager was ordered. [Yes] Payment of JP¥7.2 K (\approx 50 Euros) for unpaid wages and JP¥50 K (\approx 360 Euros) for damages for mental sufferings was ordered.	Victim v. Employer
27. [AH] Sapporo District Court, Judgment, Feb. 15, 2013 札幌地判 H 25. 2. 15	H. J. (2179) 87 判例時報 2179 号 87 頁	A student of a public high school in Hokkaido [D] posted on the Internet an inappropriate message about a schoolmate. The school's teachers questioned the student, and then the school suspended the student from school. Immediately after taking this measure, the student committed suicide. The bereaved family [P: the father and mother; the student's younger brother who succeeded his mother after her death] brought an action, claiming for the compensation by the state pursuant to Paragraph 1, Article 1 of the State Redress Act, insisting that the long-time questioning by the teachers by use of inappropriate words and the abuse of the school's discretionary power to take the measure of suspension from school led to the suicide of the student.	The claim was dismissed. [No] The court's ruling was that, even if the teachers actually said, "What you did is so serious. You should die", it was not reasonable to immediately determine that this statement violated the duty to secure safety and therefore was illegal, in the situation where the whole context and how the words were said were not known.	Victim's Families (parents and brother) v. Local government (school founder)

*Note that those reporters report in Japanese. The summaries herein are made by Kansai Harassment Caselaw Research Group ("Kansai-H-CARE") and translated by the author (Eiichiro Yoshikawa) with the assistance of a translator, Ms. Ryoko Mestecky of AURORA Translation & Legal Services. <http://www.aurora-office.biz/>

後記：

本報告は、2014年(平成26年)6月17日から20日までイタリア・ミラノのミラノ大学において開催された“9th International Conference on Workplace Bullying and Harassment” (第9回職場のいじめ・ハラスメント国際会議¹⁷)において、その最終日(20日金曜)に、筆者が研究報告を行なった内容をまとめたものである(若干の補正をしたが、内容はほぼ報告時のものである)。なお、Abstract 部分は、参加申込みの際に、学会事務局に提出した指定書式に基づくものを転写している¹⁸。

本稿の内容に関しては改めて、上記学会への参加のほか、中央労働委員会近畿区域地方調整委員主催セミナー「オーブンプラザミーティング」(2014年9月3日大阪で開催¹⁹)への参加、筆者が幹事を務める研究会(「関西ハラスメント判例研究会」)の成果などを踏まえたうえで、さらに検討を加え、日本語の研究論文として改めて公表する予定であるため、本稿は「研究」ではなく「報告」として寄稿することにした。というのも、英語表記で日本のハラスメント法を紹介する文献も多くは無いであろうから、本報告を示すことは、多少なりとも世界の比較法研究にとって、なんらかの意義が有ろうかと思料したためである。

なお、本報告の重要資料である“Exhibit D: List of Harassment Cases”は、上記「関西ハラスメント判例研究会」の成果の一部である。同研究会の場で「職場のいじめ・ハラスメント国際会議」への参加を勧めて頂き、かつ現地に同行頂いた、大阪ふたば法律事務所大橋さゆり弁護士及びのぞみ共同法律事務所定岡由紀子弁護士に深謝申し上げる。また、“Exhibit D: List of Harassment Cases”の和文原稿を英訳するに当たり、下訳の提供を法務・翻訳事務所オーロラのメステッキー涼子行政書士にお願いした。そのご協力に深謝申し上げる。

17 本学会のプログラムその他の情報は同学会のウェブサイトで入手可能である。Available at [http://users2.unimi.it/bullying 2014/](http://users2.unimi.it/bullying2014/) and [http://users2.unimi.it/bullying 2014/wp-content/uploads/Conference-programme.pdf](http://users2.unimi.it/bullying2014/wp-content/uploads/Conference-programme.pdf) (last visited Oct. 25, 2014)

18 若干の文法上その他の補正を施した。

19 主催者・コーディネーターとして、討議内容構成・配付資料作成の準備を行なった。<http://www.mhlw.go.jp/churoi/roushi/> 及び <http://www.mhlw.go.jp/churoi/roushi/dl/h260903-1.pdf> (last visited Oct. 25, 2014)